

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS CONSTRUCTION INDUSTRY
HEALTH AND SECURITY FUND, *et al.*,

Plaintiffs,

v.

RECLAIM COMPANY LLC,

Defendant.

CASE NO. C20-0643-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion for entry of default judgment (Dkt. No. 10). Having thoroughly considered the motion and the relevant record, the Court FINDS as follows:

1. Plaintiffs properly served Defendant on June 10, 2020, (Dkt. No. 5);
2. The Clerk entered an order of default against Defendant on July 15, 2020, (Dkt. No. 7);
3. Defendant has failed to appear or otherwise defend in this action;
4. This action is properly within the jurisdiction of the Court and venue is proper; and
5. The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986), support granting default judgment in Plaintiffs' favor.

//

1 Accordingly, the Court hereby GRANTS Plaintiffs' motion for entry of default judgment
2 (Dkt. No. 10). The Court further FINDS and ORDERS as follows:

3 1. Defendant specifically accepted the Plaintiff Trusts' trust agreements requiring it to
4 produce the records and further comply with the audit as requested by the Plaintiff Trusts
5 Funds. The Court ORDERS Defendant to produce the following records for Plaintiffs'
6 inspection:

7 a. Payroll Registers/an electronic file with daily hours and wages, job numbers,
8 employee ID numbers, union numbers, employee last 4 SSN, work-date, pay-
9 date, craft identifier;

10 b. Quarterly SUI reports for the corresponding quarters;

11 c. a list of all employees and their job titles;

12 d. job list by name and number with locations (city/town/state);

13 e. other union remittance reports to include all unions performing work for the
14 company;

15 f. timecards for all employees performing any type of operating engineer work;

16 g. certified payroll reports for all jobs listed below:

17 i. Wapato Irrigation District Main Canal

18 ii. East Edison Sidewalk Improvement, Sunnyside, WA

19 iii. Skagit River Repair, Mt. Vernon, WA

20 iv. Rock Creek Equipment, Yakima County, WA

21 v. City of Grandview- Fir and Elm Street Sidewalk Improvements

22 vi. Port of Sunnyside Rail Spur, Yakima County

23 vii. Yakima County Emergency Levy Repairs

24 viii. Pump Ditch #2, White Swan, WA

25 ix. Iler Street Sidewalk Improvements

26 x. CPC International

xi. Mt. Baker and Darrington Maintenance

h. Detail of hours worked and paid for all employees working in Washington,
Alaska, or whose hours are reported back to Locals 302 & 612 from other states
(such as reciprocity or key man agreements);

i. State unemployment insurance quarterly reports where necessary for states

1 outside of Washington;

2 j. Employee list showing job title/occupation of everyone on the above records;
3 and

4 k. Job site address list showing the name and location where bargaining unit work
5 was performed.

6 2. Plaintiffs are entitled to an award of attorney fees and costs, and Plaintiffs' request for
7 \$135.00 in attorney fees and \$485.00 in costs is reasonable.

8 3. Plaintiffs are AWARDED judgment against Defendant in the amount \$580.00, consisting
9 of:

10 a. \$135.00 in attorney fees; and

11 b. \$485.00 in costs.

12 4. The above judgment shall accrue interest at the rate of 12% per annum from the date of
13 entry of the Judgment until paid in full.

14
15 DATED this 8th day of October 2020.

16
17
18 

19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26